

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PEOPLES COALITION FOR JUSTICE
MEMBERS NATURAL PERSONS OF
WASHINGTON STATE, DANIEL R.
KIMBEL, CHRISTOPHER A. LEWIS,

Plaintiffs,

V.

STATE OF WASHINGTON, SUPERIOR
COURT OF WASHINGTON STATE
COUNTY OF PIERCE, PIERCE COUNTY
DISTRICT COURT #1, CITY OF
LAKEWOOD MUNICIPAL COURT,
D.S.H.S.,

Defendants.

Case No. C06-5487FDB

ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING CAUSE OF
ACTION

Plaintiffs move for leave to proceed *in forma pauperis*. Plaintiff Kimbel makes certain averments concerning his lack of ability to pay (unemployed since 2003, has received less than one hundred dollars from friends in the past twelve months, survives on food banks and the good graces of his landlord, no savings, etc.) Plaintiff Lewis makes similar averments.

Plaintiffs make allegations of abuse of the judicial process and/or abuse of discretion by judicial officers and others associated with the Washington courts, and they also have alleged fraud in the judicial proceedings. Plaintiffs assert federal question jurisdiction in that they allege violation of their constitutional rights. Plaintiff Kimbel alleges that he has been “maliciously alienated of the Constitutionally guaranteed and protected fundamental liberty interest of the Parent-Child relationship by the Officers of the Superior Court of Washington State, officers of the incorporated agencies d.b.a. State of Washington. Plaintiffs in all judicial actions have been denied by the Courts

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1 of Washington, and have not received effective assistance of council [sic] for the issues raised and
2 contained in the case records of the matters."

3 Plaintiffs go on to request relief in the form of "temporary ex parte or other immediate lawful
4 remedy for injunctive relief to the bench warrant issued for the arrest of Plaintiff Kimbel;" for
5 immediate reinstatement of his driver's license without costs resulting from judgments rendered
6 (referencing specific case numbers); immediate injunctive relief to threat of arrest and continued
7 violation and deprivations of constitutional rights created by the bench warrant issued for Plaintiff
8 Lewis; and for orders directing the clerks of Pierce County Superior Court, Lakewood Municipal
9 Court, Pierce County District Court # 1, and the Department of Social and Health Services to
10 provide copies of certain documents, transcriptions of pretrial and trial proceedings without cost.
11 Plaintiffs also seek damages for the constitutional violations asserted, as well as leave to file extended
12 length briefs in the future in this matter.

13 Plaintiffs have made allegations that their rights under the United States Constitution have
14 been violated; nevertheless, merely asserting a constitutional deprivation does not automatically
15 demonstrate that jurisdiction is proper in this Court. Plaintiffs apparently take issue with the actions
16 of certain state courts, and rather than follow with the state administrative or appeal processes, have
17 decided to sue in this Court. Under the circumstances, Plaintiffs should assert their concerns in the
18 state courts.

19 ACCORDINGLY, IT IS ORDERED: Plaintiffs are denied leave to proceed *in forma*
20 *pauperis*, and this cause of action is DISMISSED.

21 DATED this 31st day of August, 2006.

22 
23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE

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